

In re application of: Gusler et al.

§

Group Art Unit: 2457

§

Serial No.: 09/935,396

§

Examiner: Lashonda T. Jacobs

§

Filed: October 18, 2001

§

Attorney Docket No: AUS920010540US1

§

For: METHOD AND SYSTEM FOR  
AUTOMATED PROJECT  
ACCOUNTABILITY

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**REPLY BRIEF**

This correspondence is a reply brief to the Examiner's answer filed July 16, 2009. Under the Grounds of Rejection section of the Examiner's Answer (pages 2-9), the Examiner's remarks appear to be a substantial copy of the Detailed Action section from the Final Office Action, mailed on February 11, 2009. Hence, the following remarks are substantially directed to the Response to Argument section of the Examiner's Answer (pages 10-14).

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

Claim 2 recites:

The method of claim 1 further comprising: assigning vote weighting to the decision maker.

A ‘weight’ or ‘weighting’ is defined in Merriam-Webster’s Collegiate Dictionary:

7 a: the relative importance or authority accorded something b :  
measurable influence esp. on others.

Merriam-Webster’s Collegiate Dictionary, Eleventh Edition, Copyright 2004.

The Examiner explains that an interpretation of the claim 2 is:

[G]iving the participants working on the project the authority to make  
decisions their position held during the project.

Examiner’s Answer dated July 16, 2009, page 13.

Assuming that the Examiner’s interpretation is correct, the Examiner makes the following  
strained connection:

Since Helzerman teaches project leaders are selected for managing the  
project, which may include making decisions, determining if the project is ready  
to begin and setting milestones for each phase of the project then Helzerman  
teaches assigning vote weighting to the decision maker as recited in claims 2, 10,  
and 17.

Examiner’s Answer dated July 16, 2009, page 13.

A “decision maker” has authority. They make decisions. Merely teaching that a project  
leader is selected, and that the project leader manages by making decisions, is sufficient to teach a  
decision maker. However, claim 2 requires more. The decision maker is assigned a vote  
weighting. The mere making of a decision fails to teach, suggest, or even hint to one of ordinary  
skill in the art (applying common sense) that any form of vote weighting is assigned the decision  
maker. Recall, that the decision maker already has the authority to decide – a common sense  
understanding of the term “decision maker”. Reciting passages in the prior art that state, more or  
less, that the participants are selected for making decisions does nothing more than recite the  
interpretation of what a “decision maker” is, and nothing more. What is entirely read out from  
claim 2 is, “***assigning vote weighting to the*** decision maker” (emphasis added). To ignore this  
limitation is to interpret claim 2 as having no more limited scope than claim 1, which is wholly  
improper. Accordingly, for at least the reason that the Examiner fails to show a teaching of *all* the  
limitations in claim 2, it is urged that the Board reverse and allow claims 2, 10 and 17 under 35  
U.S.C. §103(a).

Accordingly, for the above reasons and for the reasons set forth in the Appeal Brief, it is respectfully requested that the Final Rejection be reversed, and that claims 1-22 be found in a condition for allowance.

September 14, 2009

Date

/Robert C. Rolnik/

Robert C. Rolnik

Reg. No. 37,995

The Rolnik Law Firm, P.C.  
24 N. Main St.  
Kingwood, TX 77339  
(281) 973-5342